

§ 285.32

(40) Fish for, catch, possess or retain, or attempt to fish for, catch, possess or retain Atlantic bluefin tuna by means, aid, or use of any aircraft, unless holding a valid permit in the Harpoon or Purse Seine category under § 285.21.

(b) It is unlawful for any person subject to the jurisdiction of the United States to violate any other provision of this subpart, the Act, or any other rules promulgated under the Act.

[50 FR 43400, Oct. 25, 1985, as amended at 52 FR 25012, July 2, 1987; 53 FR 24645, June 29, 1988; 57 FR 374, Jan. 6, 1992; 57 FR 32922, July 24, 1992; 58 FR 45293, Aug. 27, 1993; 59 FR 17726, Apr. 14, 1994; 60 FR 14388, Mar. 17, 1995; 60 FR 38515, July 27, 1995; 62 FR 30745, June 5, 1997; 62 FR 38487, July 18, 1997; 62 FR 38487, July 18, 1997]

§ 285.32 Civil penalties.

(a) Any person who violates § 285.31(a)(1) through (a)(21) inclusive, or (a)(25) through (a)(31) inclusive, or (a)(33) and (a)(34) or (a)(36) through (a)(38) inclusive, will be assessed a civil penalty of not more than \$25,000 for a first violation and a civil penalty of not more than \$50,000 for a subsequent violation.

(b) Any person who violates § 285.31(a)(22) through (24) inclusive, or (a)(32), or (a)(35) will be assessed a civil penalty of not more than \$1,000, and a civil penalty of not more than \$5,000 for a subsequent violation.

(c) Any person who violates § 285.31(b) will be assessed a civil penalty in accordance with the criteria set forth in 16 U.S.C. 971e.

[50 FR 43400, Oct. 25, 1985, as amended at 60 FR 38515, July 27, 1995]

§ 285.33 Gear restrictions.

(a) Any flotation device attached to handline or harpoon gear must be marked with the Atlantic bluefin tuna permit number of the vessel from which it is used. The required markings must be permanently affixed and at least one inch in height in block Arabic numerals of a color that contrasts with the background color of the flotation device.

(b) *Aircraft.* Other than for a vessel holding a valid permit in the Harpoon or Purse Seine category under § 285.21(a), locating, fishing for, catching, taking, retaining or possessing

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ABT by means, aid, or use of any aircraft is prohibited.

[50 FR 43400, Oct. 25, 1985, as amended at 62 FR 38487, July 18, 1997]

§ 285.34 Restrictions on sale.

(a) Any Atlantic bluefin tuna less than the large medium size class may not be, or attempted to be, purchased, bartered, traded, sold, or offered for sale, or retained or possessed by a dealer or seafood processor in any state unless it is lawfully imported and is accompanied by the Commission's Bluefin Tuna Statistical Document.

(b) Except for a bluefin tuna landed in a Pacific state and remaining in the state of landing, a bluefin tuna that is possessed by a dealer or seafood processor is deemed to be a bluefin tuna harvested from the Atlantic Ocean by a United States vessel unless it is accompanied by the Commission's Bluefin Tuna Statistical Document.

[60 FR 38515, July 27, 1995]

Subpart C—Atlantic Tunas Other Than Bluefin Tuna

SOURCE: 60 FR 38516, July 27, 1995, unless otherwise noted.

§ 285.50 Species subject to regulation.

Regulations contained in this subpart pertain to yellowfin tuna, bigeye tuna, albacore tuna, skipjack tuna and Atlantic bonito.

§ 285.51 Authorized fishing gear.

Fishing for, catching, retention or possession of Atlantic yellowfin, bigeye, albacore, and skipjack tunas and Atlantic bonito in the regulatory area by persons on board fishing vessels subject to the jurisdiction of the United States is authorized only for handline, rod and reel (including downriggers), harpoon, purse seine, longline, drift gillnet and bandit gear unless the gear is authorized under an experimental fishing exemption issued pursuant to the requirements of § 285.7.

§ 285.52 Size limits.

(a) Fishing for, catching, retaining, or possessing of Atlantic yellowfin and bigeye tunas in the regulatory area by persons aboard fishing vessels subject